

**UNITED STATES DISTRICT COURT**  
for the  
**Eastern District of North Carolina**

United States of America

v.

Charles Rudolph Clay

)

) Case No: 7:10-CR-9-1H

) USM No: 19694-056

Date of Original Judgment: July 14, 2010

Date of Previous Amended Judgment: November 9, 2015

(Use Date of Last Amended Judgment if Any)

Katherine Shea

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(1)(B)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(1)(B) for a modification of an imposed term of imprisonment to the extent otherwise expressly permitted by statute and as provided by Section 404 of the First Step Act of 2018, and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

*(Complete Parts I and II of Page 2 when motion is granted)*

Inasmuch as the statutory penalty remains the same under the Fair Sentencing Act based on the enhanced penalty and the amount of cocaine charged, the Act had no impact and a reduction is not appropriate.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

Except as otherwise provided, all provisions of the judgment(s) dated July 24, 2010, June 3, 2014, and November 9, 2015, shall remain in effect. **IT IS SO ORDERED.**

Order Date:

10/31/19

  
\_\_\_\_\_  
Judge's signature

Effective Date:

*(if different from order date)*

Malcolm J. Howard Senior U.S. District Judge

*Printed name and title*